

Article 7: Elections, Campaign Finance and Lobbying

Division 3: Write-In Candidates

*(“Write-In Candidates” renumbered from Division 21
on 7-26-1999 by O-18666 N.S.)*

§27.0301 General Provisions for Write-in Candidates

Write-in *candidates* are permitted in municipal *elections* including *special elections* called by the City *Council* pursuant to Section 27.0107 of this article.
(“General Provisions for Write-in Candidates” renumbered from Sec. 27.3201 and amended 7-26-1999 by O-18666 N.S.)

§27.0302 Nomination Papers for Write-in Candidates

Nomination papers required of write-in *candidates* seeking nomination to municipal *elective office* are the Statement and Affidavit of Write-in Nominee and the nominating *petition*.
(“Nomination Papers for Write-in Candidates” added 7-26-1999 by O-18666 N.S.)

§27.0303 Personal Appearance of Write-in Candidates

Candidates seeking nomination and election by write-in ballot shall appear personally before the City *Clerk* to obtain the nomination papers for filing, unless service with the United States Armed Forces or a physical disability prevents such an appearance.
(“Personal Appearance of Write-in Candidates” renumbered from Sec. 27.3203 and amended 7-26-1999 by O-18666 N.S.)

§27.0304 Residency Requirements for Write-in Candidates

Candidates seeking nomination and election by write-in ballot shall comply with the residency requirements of Section 27.0119 of this article.
(“Residency Requirements for Write-in Candidates” renumbered from Sec. 27.3204 and amended 7-26-1999 by O-18666 N.S.)

§27.0305 Time to Obtain Nomination Papers for Write-in Candidates

- (a) Nomination papers in connection with write-in candidacy in *District* or *City-wide Primary Elections* that are consolidated with statewide primary *elections*, or *special* or recall *elections*, may be obtained from the City *Clerk*

not earlier than the first business day after the close of regular nominations for the *District* or *City-wide Primary*, *special* or recall *election*.

- (b) Nomination papers in connection with write-in candidacy in *District* or *City-wide General Elections* may be obtained from the *City Clerk* not earlier than the business day following the *District* or *City-wide Primary Election*. (“*Time to Obtain Nomination Papers for Write-in Candidates*” added 7-26-1999 by O-18666 N.S.)

§27.0306 Statement and Affidavit of Write-in Candidates

Candidates seeking nomination and election by write-in ballot shall complete and sign under California perjury laws a Statement and Affidavit of Write-in Nominee at the time of obtaining nomination papers from the *City Clerk*. The Statement and Affidavit of Write-in Nominee shall be countersigned by the *City Clerk* or an authorized deputy of the *City Clerk*, and shall be considered filed at the time of signing.

(“*Statement and Affidavit of Write-in Candidates*” added 7-26-1999 by O-18666 N.S.)

§27.0307 Form of Statement and Affidavit of Write-in Candidates

The Statement and Affidavit of Write-in Nominee shall state the name of the write-in *candidate*, the write-in *candidate's* current residence, past residences for a period of four years, date and place of birth, the office for which he or she seeks nomination, the term for which he or she is running, occupation, and a written acceptance of the nomination. The completed and signed Statement and Affidavit of Write-in Nominee shall be substantially in the following form:

STATEMENT AND AFFIDAVIT OF WRITE-IN NOMINEE

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.

Under penalty of perjury, I, _____ (printed name of *candidate*), say that I reside at _____ in the City of San Diego, County of San Diego, State of California; that I am a resident and registered voter of the political district for which I seek nomination and shall have been such for at least thirty calendar days immediately preceding the submittal of my nominating petition for filing; that I am a write-in candidate for the office of _____ (include district designation, if appropriate) to be voted upon at the municipal election to be held _____ (insert date); that I will accept such nomination; and that I will serve in such office if elected. I am a write-in candidate for the ___ full/ ___ unexpired term.

Date of Birth _____ Place of Birth _____
My occupation is _____.

All other places where I have resided in the past four years:

Subscribed on: _____
(Signature)

(SEAL) _____
(Date)

(Signature of Clerk or Deputy)

(Official Title)

*(“Form of Statement and Affidavit of Write-in Candidates” added 7-26-1999 by
O-18666 N.S.)*

§27.0308 Contents of Nominating Petition for Write-in Candidates

- (a) Nominating *petition* pages for write-in *candidates* shall be furnished by the Office of the City *Clerk*.
- (b) Nominating *petition* pages for write-in *candidates* shall be printed on white paper, 8 ½ by 11 inches in size.
- (c) Each nominating *petition* page for write-in *candidates* shall contain items (1) through (3) in the order specified:
 - (1) A statement which includes the name of write-in *candidate*, the office for which he or she seeks nomination, and the date of the pertinent *District* or City-Wide Primary *Election*.
 - (2) Space for signing *voters*’ information prepared in accordance with Sections 27.0309 and 27.0310.
 - (3) A circulator’s affidavit of authenticity prepared and signed in accordance with Sections 27.0309 and 27.0313.

- (d) The nominating *petition* for a write-in *candidate* may consist of any number of *petition* pages.

(“Contents of Nominating Petition for Write-in Candidates” added 7-26-1999 by O-18666 N.S.)

§27.0309 Form of Nominating Petition Page for Write-in Candidates

- (a) The following statement shall appear at the top of each nominating *petition* page for write-in *candidates* and be in substantially the following form:

NOMINATING PETITION AND SIGNATURES IN LIEU OF FILING FEE

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.

We, the undersigned voters of _____ (The City of San Diego, or City Council District, including district designation) hereby nominate _____ as a write-in candidate for the office of _____ to be voted for at the municipal election to be held _____.

- (b) The following note shall appear on each nominating *petition* page for write-in *candidates*, immediately below the statement required by Section 27.0309(a): (NOTE: Nominating petitions for Mayor and City Attorney may be signed at large throughout the City and must contain the signatures of a least 200 qualified voters. Nominating petitions for members of the City Council may be signed only by voters residing within the home district of the candidate, and must contain the signatures of at least 100 qualified voters. Nominating petitions for appointment to City elective offices require the signatures of at least 50 qualified voters. It is unlawful for any voter to sign more than one nominating petition for any given office.)
- (c) The *voter* signature portion of the nominating *petition* page for write-in *candidates* shall appear immediately below the note required by Section 27.0309(b). On the right hand side of the *voter* signature portion of the *petition* page, a space at least one inch wide shall be left blank for the City Clerk’s use in verifying the validity or invalidity of the signatures. The *voter* signature portion of the *petition* page shall be arranged and lined to provide space for each *voter*’s signature, each *voter*’s printed name, place of each *voter*’s residence, and date of each *voter*’s signature.

- (d) The *voter* signature portion of the nominating *petition* page for write-in *candidates* shall be in substantially the following form:

Name	Residence	Date	Clerk's Use Only
1. Sign			
Print			
2. Sign			
Print			
3. Sign			
Print			

- (e) The *circulator's* affidavit of authenticity shall appear immediately below the *voter* signature portion required by Section 27.0309(c), and shall be signed by the *circulator* under California perjury laws.
- (f) The *circulator's* affidavit of authenticity shall be in substantially the following form:

AFFIDAVIT OF AUTHENTICITY

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.

Under penalty of perjury, I, (printed name of *circulator*), declare: That all the signatures on this petition page were made in my presence and were observed by me, and that to the best of my knowledge and belief, such signatures are the genuine signatures of the individuals who signed the petition.

(Circulator's Residence)

(Circulator's Signature)

(Amended 7-18-2000 by O-18826 N.S.)

§27.0310 Signing Voter's Information for Nominating Petition for Write-in Candidates

Signatures on the *voter* signature portion of a nominating *petition* for a write-in *candidate* shall be executed by *voters* in their own handwriting, and each signer shall also affix his or her printed name, date of his or her signature, and place of residence,

including street and house number, or other designation from which the location of the place of residence may be readily ascertained.

(“Signing Voter’s Information for Nominating Petition for Write-in Candidates” added 7-26-1999 by O-18666 N.S.)

§27.0311 Required Number of Signatures on Nominating Petition for Write-in Candidates

- (a) Only *voters* may sign the *voter* signature portion of a nominating *petition* for a write-in *candidate*. Signatures of individuals who are not *voters* shall be invalid.
- (b) Nominating *petitions* for write-in *candidates* for the office of City Councilmember shall be signed by at least one hundred individuals residing in the district and who at the time of signing shall have been registered *voters* for a period of at least thirty calendar days in the district from which the write-in *candidate* seeks nomination.
- (c) Nominating *petitions* for write-in *candidates* for the offices of Mayor and City Attorney shall be signed by at least two hundred individuals residing in the City of San Diego and who at the time of signing shall have been registered *voters* of the City for a period of at least thirty calendar days.

(“Required Number of Signatures on Nominating Petition for Write-in Candidates” added 7-26-1999 by O-18666 N.S.; amended 9-27-1999 by O-18690 N.S.)

§27.0312 Write-in Candidacy Limited to One Office

A write-in *candidate* may not submit for filing a nominating *petition* for more than one office at any *election*.

(“Write-in Candidacy Limited to One Office” added 7-26-1999 by O-18666 N.S.)

§27.0313 Circulation of Nominating Petitions for Write-in Candidates

It is unlawful for any individual to circulate a nominating *petition* for a write-in *candidate* unless he or she is a U.S. citizen and at least 18 years of age.

(Amended 7-18-2000 by O-18826 N.S.)

§27.0314 Signing of Nominating Petitions for Write-in Candidates

It is unlawful for any individual to sign a write-in *candidate’s* nominating *petition* more than one time.

(“Signing of Nominating Petitions for Write-in Candidates” added 7-26-1999 by O-18666 N.S.)

§27.0315 Time for Submitting Nomination Papers of Write-in Candidates to Clerk

Except for the Statement and Affidavit of Nominee filed pursuant to Section 27.0306, nomination papers for write-in candidacy in *District* or *City-Wide Primary* or *General Elections*, or *special* or recall *elections*, shall be submitted for filing in the Office of the City *Clerk* not later than fourteen calendar days prior to the date of the *election*.

Except for the Statement and Affidavit of Nominee filed pursuant to Section 27.0306, all nomination papers shall be submitted for filing at the same time; no supplemental filings are allowed.

(“Time for Submitting Nomination Papers of Write-in Candidates to Clerk” added 7-26-1999 by O-18666 N.S.)

§27.0316 Acceptability of Nominating Petitions for Write-in Candidates

To be acceptable for filing, a nominating *petition* for a write-in *candidate* must on its face purport to contain the signatures of the requisite number of *voters*.

(“Acceptability of Nominating Petitions for Write-in Candidates” added 7-26-1999 by O-18666 N.S.)

§27.0317 Acceptance or Rejection of Nomination Papers of Write-in Candidates as Filed

(a) If the City *Clerk* determines that a write-in *candidate’s* nomination papers are in substantial compliance with this division and with the provisions of Division 6, as applicable, the City *Clerk* shall accept the nomination papers as filed.

(b) If the City *Clerk* determines that a write-in *candidate’s* nomination papers are not in substantial compliance with this division and with the provisions of Division 6, as applicable, the City *Clerk* shall not accept the nomination papers as filed.

(“Acceptance or Rejection of Nomination Papers of Write-in Candidates as Filed” added 7-26-1999 by O-18666 N.S.)

§27.0318 Verification of Nominating Petition Signatures for Write-in Candidates; Time

(a) The City *Clerk* shall be allowed a period of twenty business days after a nominating *petition* for a write-in *candidate* has been accepted as filed to verify the validity or invalidity of signatures.

(b) To determine the sufficiency of insufficiency of a nominating *petition* for a write-in *candidate*, the City *Clerk* shall only count valid signatures.

- (c) If the *circulator's* affidavit of authenticity for any given *petition* page has not been signed by the *circulator*, the signatures on that *petition* page shall be invalid.

(“*Verification of Nominating Petition Signatures for Write-in Candidates; Time*” added 7-26-1999 by O-18666 N.S.)

§27.0319 Notification of Sufficiency of Nominating Petition for Write-in Candidates

If the City *Clerk* finds a nominating *petition* for a write-in *candidate* to be sufficient and in proper form, he or she shall so certify and shall send a notice of sufficiency to the write-in *candidate* nominated.

(“*Notification of Sufficiency of Nominating Petition for Write-in Candidates*” added 7-26-1999 by O-18666 N.S.)

§27.0320 Notice of Insufficiency of Nominating Petition for Write-in Candidates

If the City *Clerk* finds a nominating *petition* for a write-in *candidate* to be in insufficient or improper form, he or she shall so certify and shall send a notice of insufficiency to the write-in *candidate* seeking nomination.

(“*Notice of Insufficiency of Nominating Petition for Write-in Candidates*” added 7-26-1999 by O-18666 N.S.)

§27.0321 Nominating Fee for Write-In Candidates

The *election* nominating fee for a write-in *candidate* shall be two hundred dollars (\$200) for the office of City Councilmember and five hundred dollars (\$500) for the offices of Mayor and City Attorney. The nominating fee is non-refundable and shall be paid when nomination papers are submitted for filing.

(Amended 7-18-2000 by O-18826 N.S.)

§27.0322 Signatures Used to Offset Nominating Fee for Write-In Candidates

- (a) Notwithstanding any other provision of this division, a write-in *candidate* may submit signatures of registered *voters* above the number required pursuant to Section 27.0311 to fully or partially offset the nominating fee.
- (b) If signatures of registered *voters* above the number required pursuant to Section 27.0311 are to be used to reduce the nominating fee, the write-in *candidate* shall give notice to the City *Clerk* at the time of submitting his or her nomination papers for filing pursuant to Section 27.0315.

- (c) Signatures submitted for the purpose of reducing the nominating fee shall be executed by *voters* on the nominating *petition* for a write-in *candidate*, and are subject to the provisions of Section 27.0310 and 27.0311.
- (d) No signature used to determine the sufficiency of the nominating *petition* for a write-in *candidate* may be used for the purpose of reducing the nominating fee.
- (e) Each valid signature in excess of the number required pursuant to Section 27.0311 that is obtained and submitted for filing on the nominating *petition* for a write-in *candidate* within the prescribed nomination period for the purpose of reducing the nominating fee shall be valued at \$0.25 toward reduction of the nominating fee.
- (f) The write-in *candidate* shall be reimbursed at the rate prescribed in Section 27.0322(e) up to the deposited amount of the nominating fee.
(“*Signatures Used to Offset Nominating Fee for Write-In Candidates*” added 7-26-1999 by O-18666 N.S.)

§27.0323 Inclusion of Write-In Candidate’s Name on Ballot and in Sample Ballot for District or City-Wide General Election

If a write-in *candidate* in the *District or City-wide Primary Election* is chosen by the electors as one of the two *candidates* to have their name appear on the *District or City-wide General Election* ballot, the procedures contained in Division 6 regarding designation of the candidate’s title, inclusion of the *candidate*’s name on the ballot and sample ballot, and the statement of the *candidate*’s qualifications and photograph will be followed. The City *Clerk* shall set a reasonable time for the write-in *candidate* to submit those documents for filing.
(“*Inclusion of Write-In Candidate’s Name on Ballot and in Sample Ballot for District or City-Wide General Election*” renumbered from Sec. 27.3210 and amended 7-26-1999 by O-18666 N.S.)

§27.0324 Additional Provisions for Write-In Candidates

Other requirements of this article not in conflict with the provisions of this division shall apply to write-in *candidates*.
(“*Additional Provisions for Write-In Candidates*” renumbered from Sec. 27.3211 and amended 7-26-1999 by O-18666 N.S.)